

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT  
INGHAM COUNTY

E. L. COX, COMMISSIONER OF INSURANCE  
FOR THE STATE OF MICHIGAN,

Petitioner,

v

File No. 98-88265-CR

MICHIGAN HEALTH MAINTENANCE  
ORGANIZATION PLANS, INC., a  
Michigan health maintenance organization,

Hon. James R. Giddings

A.G. No. 1998053333A

Respondent.

\_\_\_\_\_/

E. John Blanchard (P28881)  
Michael J. Fraleigh (P36615)  
Attorneys for Petitioner, Commissioner of  
the Office of Financial & Insurance Services  
Michigan Department of Attorney General  
Insurance & Banking Division  
P.O. Box 30736  
Lansing, Michigan 48909-8236  
(517) 373-1160

ORDER FOR NOTICE OF FILING OF THE  
PROPOSED FIRST AMENDED REHABILITATION PLAN  
AND  
PROCEDURES FOR THE APPROVAL OF THE  
FIRST AMENDED REHABILITATION PLAN

At a session of said Court held in the Circuit Courtrooms  
for the County of Ingham, State of Michigan  
on the 24th day of May, 2002

PRESENT: HONORABLE JAMES R. GIDDINGS  
CIRCUIT JUDGE



Whereas, the Rehabilitator has informed court that the March 2002 proposed Rehabilitation Plan needs to be amended and that the Amendments to the Rehabilitation Plan need to be submitted to OmniCare's creditors for review.

Whereas, the Rehabilitator has filed a Petition for Approval of the Notice Of Hearing And Procedures For The Approval Of The First Amended Rehabilitation Plan.

Therefore, **IT IS HEREBY ORDERED** that:

1. The Rehabilitator shall serve on each known creditor of OmniCare a copy of a combined Notice Of Deadline To File Objections To the Proposed First Amended Rehabilitation Plan, Notice for Election of Payment Method, and Notice Of Hearing On The Rehabilitator's Petition To Approve the Proposed First Amended Rehabilitation Plan.

2. The Rehabilitator shall serve each of OmniCare's known creditors a copy of those portions of the proposed March 2002 Rehabilitation Plan that have been changed in whole or in part, in the First Amended Rehabilitation Plan. If a section of the proposed March 2002 Rehabilitation Plan or an attachment thereto have not been changed or modified by the amendments to the March 2002 Rehabilitation Plan then the Rehabilitator is not required to serve OmniCare's creditors with those sections or attachments.

3. Any documents and notices required to be served on OmniCare's creditors by this Order may, at the Rehabilitator's discretion, be provided in electronic format by (1) mailing a compact disk (CD) or computer disk containing the documents and notices to creditors; or (2) e-mailing the documents and notices with confirmation of receipt.

~~4. The Rehabilitator shall publish the notice of the submission of the Amendments to the Rehabilitation Plan on \_\_\_\_\_ consecutive days, at least \_\_\_\_\_ days prior to the objection deadline in paragraph 5 of this Order, in a newspaper general circulation in Michigan.~~



5. On or before 5:00 p.m. Friday June 21, 2002,

each creditor shall, in writing, file with the Court and deliver to the Rehabilitator:

- a. Any objections to the proposed amendments to the March, 2002 Rehabilitation Plan, including all legal, equitable, and factual basis for the objections and legible copies of all documents supporting the objection; or,
- b. A creditor may file a statement of intent to rely on the Objection(s) it filed in response to the March, 2002 Rehabilitation Plan. A creditor does not have to restate or otherwise file a timely objection or its supporting documents; and,
- c. Supporting documents, which individually or collectively, exceed 25 pages in length shall be provided in electronic format on a compact disk (CD) or computer disk in a format usable by and acceptable to the Rehabilitator and the Court.

6. Objections to the amendments to the March, 2002 Rehabilitation Plan not filed with the Court **and** received by the Rehabilitator by the time and date set forth in paragraph 5 of this Order are waived, including objections to the treatment of a claim or the failure to list or provide for the payment of a claim.

*The REHABILITATOR will file his responses to the objections by July 5.*

7. On or before 5:00 p.m. 14 DAYS FROM THE DATE THE REHABILITATION PLAN IS APPROVED, 2002 each creditor eligible to choose, shall notify the Rehabilitator in writing of its choice between:

- Payment Option A - Cash payment without a surplus note;
- Payment Option B - Reduced cash payment with a surplus note for the balance of the creditor's "Amount Payable."

A creditor who has not provided the Rehabilitator with written notice of its choice of payment option by the time and date set forth in this paragraph shall, by default, have selected Payment Option A.



8. Objections to the Amendments to the Rehabilitation Plan shall reference *E.L. Cox, Commissioner of Insurance for the State of Michigan v Michigan Health Maintenance Organization Plans, Inc., a Michigan Health Maintenance Organization*, Ingham County Circuit Court File No. 98-88265-CR and shall be:

a. Delivered to the Rehabilitator in care of:

Michael J. Fraleigh  
Assistant Attorney General  
P.O. Box 30736  
Lansing, MI 48909-8236

And

b. Filed with the:

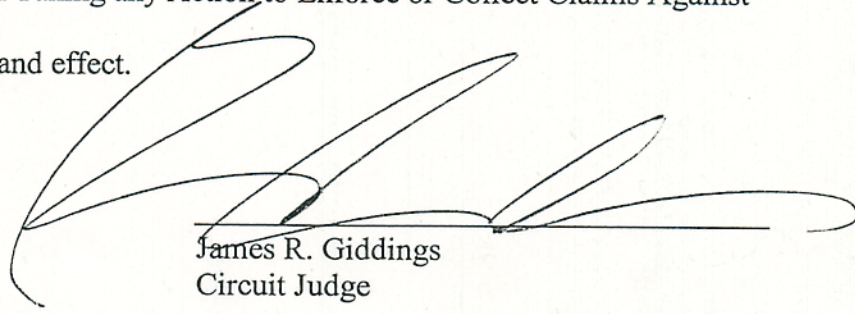
Ingham County Circuit Court Clerk  
Veterans Memorial Courthouse  
313 W. Kalamazoo – P.O. Box 40771  
Lansing, MI 48901-7971

9. The hearing on the Rehabilitator's Petition to Approve the proposed First Amended Rehabilitation Plan and all timely filed objections is scheduled for Friday July  
12, 2002 at 10<sup>00</sup> AM o'clock or as soon thereafter as the parties may be heard by the Court. This hearing may be adjourned or continued to a later date without notice. Notice of an adjourned or continued date shall be posted on the OFIS website.

10. To the extent they are not in conflict with this Order, the Court's July 31, 2001 Preliminary Order of Rehabilitation and Injunctive Relief, September 11, 2001 Order of Rehabilitation and Injunctive Relief, and March 11, 2002 Order for Notice of Filing of the Proposed Rehabilitation Plan Procedures for the Approval of the Rehabilitation Plan and Order



Enjoining OmniCare's Creditors from Taking any Action to Enforce or Collect Claims Against  
OmniCare, shall remain in full force and effect.



James R. Giddings  
Circuit Judge

[opencases/1998/blanchard/michhealthmaintorg/pleadings/orderfornoticeoffilingfirstamendrehabplan](#)

